761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: March 27, 2009

OFFICE CORRESPONDENCE FILE NO. FO2217654

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ROBERT MARTINEZ #[redacted]
DEPUTY JUAN RODRIGUEZ #[redacted]
CENTURY STATION

On March 30, 2008, about 1310 hours, at the end of a foot pursuit, Suspect Lawrence McKinnie fought with Deputies Juan Rodriguez and Robert Martinez. The deputies used control techniques, personal weapons, and Oleoresin Capsicum spray while handcuffing the suspect. Suspect McKinnie sustained a fractured right orbital.

Deputies Juan Rodriguez and Robert Martinez ran the license plate of a car. The car returned with felony wants from the state of Washington. As they were planning to initiate a traffic stop, the car collided with a parked car. The driver, Suspect McKinnie, exited the car and fled. Deputies Rodriguez and Martinez initiated a foot pursuit of the suspect.

At the end of the foot pursuit, the suspect was combative with the deputies. Deputy Rodriguez struck Suspect McKinnie with his fist several times. Deputy Martinez applied one handcuff to Suspect McKinnie but could not reach his other wrist, which was concealed under his chest. Deputy Martinez applied O.C. spray to the suspect which had no effect. Deputy Martinez then kneed the suspect's face twice, causing the suspect to release his arm. The suspect was handcuffed without further incident.

Suspect McKinnie was medically treated at Harbor-UCLA Medical Center where a doctor determined he sustained a fractured right orbital.

On March 12, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Robert Martinez #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Juan Rodriguez #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW:ylw

TABLE OF CONTENTS

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 508-06913-2176-145	Date: 3/30/08		Time: 1310 Hrs.
Location: [redacted] W. 106th Street		City or Station: Los Angeles	
Bureau/Station/Facility: Century Station		Admin. Investigation: YES ☐ NO ☒	
Type of Force: Personal Weapons			
Deputy Injury: YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☐ Call	☒ Observation	☐ Detail	☒ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Clay Porlier	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E 1

Employee #	Last Name	First Name	Middle Name
[redacted]	Rodriguez	Juan	P.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Century	216A

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6'03"	200

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:	n/a	Directed Force ☐ Significant Force ☒

E 2

Employee #	Last Name	First Name	Middle Name
[redacted]	Martinez	Robert	nmn

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Century	216A

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5'08"	160

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:	n/a	Directed Force ☐ Significant Force ☒

E __

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:		Directed Force ☐ Significant Force ☐

☐ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	McBride	Loy	L.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Jones	Tina	M.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Hebert	Kevin	E.

Watch Commander (Print Name)	Watch Commander's Signature:	Emp #:	Date
Scott Hill	[redacted]		
Supervisor Completing Form: (Print Name)	Emp #:	Copy Provided to Employee by:	Emp #:
Unit Commander (Print Name)	Unit Commander's Signature:	Emp #:	Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
508 - 06913 - 2176 - 145

Suspect Information

S 1

Last Name: McKinney | First Name: Lawrence | Middle Name: Nathaniel

AKA Last Name: none | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 28 | Height: 6'00" | D.O.B. 08-26-79 | Weight: 220 | Armed? ☐

Booking #: 1240371 | Primary Charge Code: 10851 CVC | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: LACF, Capt. Garcia | Unit: RA864 | Phone #: unk.

Hospital Admission? ☐ | Rec'd Treatment At: Harbor General Hosp. | Coroner Case #: N/A | Mental History ☐

By Doctor: Wendy Zeigler | Address: 1000 W. Carson St., Torrance, CA 90509 | Phone #: 310-222-2965

Under Influence: ☐ YES ☒ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: 03-30-2008 | Time: 1535 | ☒ Audiotape: ☐ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name | First Name | Middle Name

AKA Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name | First Name | Middle Name

AKA Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

SH-R-438P (Rev. 07/08)

☐ Additional Suspects Involved

Supervisor's Report on Use of Force

5 0 8 - 0 6 9 1 3 - 2 1 7 6 - 1 4 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Rodriguez	E1	McKinney	S1	PH	FR	FA
McKinney	S1	Rodriguez	E1	UC	NN	
Rodriguez	E1	McKinney	S1	PO	BR	BK
McKinney	S1	Rodriguez	E1	UC	NN	
Rodriguez	E1	McKenney	S1	PH	BR	BK
McKinney	S1	Martinez	E2	UC	NN	
Martinez	E2	McKenney	S1	OC	CP	FA
McKinney	S1	Martinez	E2	UC	NN	
Martinez	E2	McKenney	E1	PO	FR	FA

INVESTIGATIVE SUMMARY

SYNOPSIS OF INCIDENT

On March 30, 2008, at 1310 hours, Deputies Robert Martinez and Juan Rodriguez were driving southbound on Central Avenue at 92nd Street. Utilizing their Mobil Digital Terminal (MDT) they queried the license plate of a black Lincoln MKZ, (Washington State license, [redacted]. The vehicle returned "felony vehicle, hold for prints" (refer to Exhibit "C" JDIC printout and Exhibit "D" radio traffic). Due to a short lapse in time between their initial observation of the Lincoln MKZ and the return of their MDT query, the deputies lost sight of the vehicle.

Minutes later, the deputies found the Lincoln MKZ traveling southbound on Clovis Ave. at 108th Street. There was one male black adult occupant in the vehicle (later identified as John Doe). The deputies followed the Lincoln MKZ westbound onto 108th street then onto northbound Wadsworth Ave. As the vehicle turned westbound onto 106th Street from Wadsworth Ave. it collided with a 1996 Chevy Astro Van, CA License #[redacted] The van was parked in front of [redacted]

> **IAB Note:** Suspect Doe was subsequently identified as Mr. Lawrence N. McKinnie, DOB 08-26-1979. Suspect Doe will be referred to as Suspect McKinnie throughout the remainder of this investigation.
>
> Attempts to obtain the LAPD traffic accident report were unsuccessful. LAPD personnel assigned to the records stated they had no record of a traffic report being taken on March 30, 2008, at 106th Street and Wadsworth Ave. Attempts to contact Officer [redacted] the officer who authored the LAPD traffic accident report were also unsuccessful.

Suspect McKinnie exited the Lincoln MKZ stumbled briefly then began running westbound E. 106th Street along the south sidewalk. Deputy Martinez, via his handheld radio, advised responding units he was in foot pursuit of Suspect McKinnie. Deputy Rodriguez, driving the patrol vehicle, followed Deputy Martinez a short distance, stopped the patrol vehicle and joined the foot pursuit.

Suspect McKinnie crossed the street and ran down the driveway at [redacted] E. 106th Street. Deputy Rodriguez stopped and exited the patrol vehicle. Both deputies followed Suspect McKinnie on foot down the driveway. When they reached the end of the driveway they discovered the only way out was the same way they came in. Prior to the use of any force, both deputies noticed the left side of Suspect McKinnie's face was swollen. Suspect McKinnie assumed a fighting stance. Deputies Rodriguez and Martinez used force on Suspect McKinnie to effect his arrest (refer to exhibits "A and B" complaint report and supplemental report) and both deputies IAB involved employee interviews.

INTERVIEWS

Deputy Robert Martinez, #[redacted]

Deputy Martinez was interviewed by Sergeant Scott Hill and Sergeant Owen Tong on October 15, 2008, at 1500 hours. The interview was digitally audio recorded. Refer to the attached verbatim copy of the interview for further information.

After Suspect McKinnie reached the end of the driveway he took a combative stance. Fearing Suspect McKinnie was about to attack him, Deputy Rodriguez (sic) struck Suspect McKinnie in the face with his fist. Suspect McKinnie fell to the ground. While on the ground Suspect McKinnie tucked his hands under his chest. Suspect McKinnie ignored Deputy Martinez' repeated orders to place his hands behind his back.

Aided by Deputy Rodriguez, Deputy Martinez was able to free and handcuff Suspect McKinnie's right hand. Deputy Martinez was unable to gain control of Suspect McKinnie's left hand. As Suspect McKinnie struggled, he began to move his left hand toward his (McKinnie's) waistband area. Deputy Martinez deployed a two second burst of his Oleoresin Capsicum (OC) spray to Suspect McKinnie's face. The OC spray had no effect on Suspect McKinnie. Fearing Suspect McKinnie might retrieve a weapon from his waistband, Deputy Martinez struck Suspect McKinnie two times in the facial area with his right knee. Deputy Martinez described the knee strike as being a "sideways strike" not a "straight down" strike.

After the strikes to his facial area, coupled with Deputy Martinez' orders to place his left hand behind his back, Suspect McKinnie complied and placed his left hand behind his back. Deputy Martinez was able to handcuff Suspect McKinnie without further incident.

IAB Note: At the time of this incident Deputy Martinez had been assigned to Century Station for 1 ½ years. He had never worked with Deputy Rodriguez before. Deputy Martinez stated it was possible that he and Deputy Rodriguez discussed officer safety issues, e.g. foot pursuits, vehicle pursuits, use of force, prior to this incident, however he did not recall having any such discussions with Deputy Rodriguez.

Deputy Juan Rodriguez, #[redacted]

Deputy Rodriguez was interviewed by Sergeant Scott Hill and Sergeant Owen Tong on October 13, 2008, at 1425 hours. The interview was digitally audio recorded. Refer to the attached verbatim copy of the interview for further information.

IAB Note: At the time of this incident Deputy Rodriguez had been assigned to Century Station for seven months. He had never worked with Deputy Martinez before. Deputy Rodriguez stated it was possible that he and Deputy Martinez discussed officer safety issues, e.g. foot pursuits, vehicle pursuits, use of force, prior to this incident, however he did not recall having any such discussions with Deputy Martinez.

Deputy Rodriguez stated Suspect McKinnie ran from his vehicle and entered the driveway at [redacted] 106th Street. As Suspect McKinnie ran down the driveway toward the backyard, Deputy Rodriguez stated he never lost sight of Suspect McKinnie. "Once we approached the backyard wall of the residence, directly north of the front of the house, the suspect immediately turned around and faced me. I observed swelling to the left side of the suspect's face."

> **IAB Note:** An examination of the photograph of the deployed air bag does not reveal any blood stains.

Deputy Rodriguez described his use of force with Suspect McKinnie,

> The suspect had both hands above his waist, with both fists clinched and had his knees bent with his left leg in front of his right leg. Due to the combative stance that the suspect took and fearing that the suspect was going to assault myself and/or Dep. Martinez, I immediately punched the suspect three times in his facial area. The suspect began swinging both fists violently toward my direction attempting to hit me. I ordered the suspect to stop fighting simultaneously punching him two [more] times in his facial area. The punches took immediate effect causing the suspect to fall face down on the ground.
>
> While on the ground, the suspect placed both hands underneath his body making movements toward his waistband area. I ordered the suspect numerous times to take his hands out of his waistband area and submit to handcuffing... He did not comply. Due to the fact that the suspect was considered "armed and dangerous" via the suspect's vehicle plate return (voiced through my hand held radio), and the fact that I believed the suspect was reaching for an unknown weapon, I immediately struck the suspect with my right knee four times to the left side of his body (rib cage area) the strikes [had] no effect on the suspect and he continued to resist by keeping both hands underneath his body.
>
> I proceeded to punch the suspect three times on his lower back in an attempt to gain control of the suspects hands. The strikes took immediate effect and I was able to gain control of the suspects right hand. With the assistance of Dep. Martinez, we handcuffed the suspects right hand. Deputy Martinez gained control of the suspect's left hand and handcuffed him.

IAB Note: After Deputy Martinez entered the license plate into the MDT, SCC voiced the following over the dispatch frequency, "216A, status re: the 10-29F vehicle return? 216A (refer to exhibit "D" radio traffic)."

During Deputy Rodriguez' IAB interview he stated he thought SCC returned the vehicle as a 10-29FD vehicle, when in fact SCC returned it as a 10-29F. Deputy Rodriguez was adamant about this fact that SCC returned the vehicle as 10-29FD.

The LASD radio code book indicates the following definitions,

- 10-29F............Subject is Wanted for a Felony. Use caution, advise when subject in custody and ready for information.

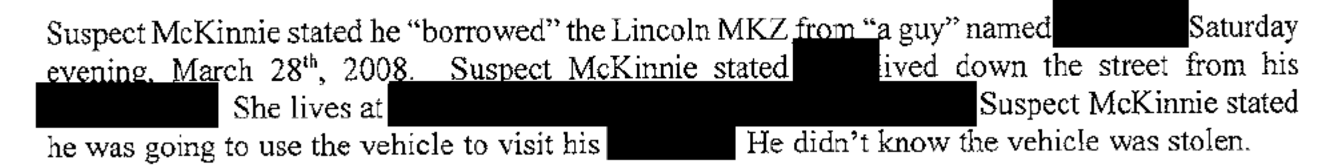
- 10-29FD ....Subject is Wanted for a Felony, Considered Armed and Dangerous. Use extreme caution, advise when subject in custody and ready for information.

Deputy Rodriguez stated he didn't deploy his OC because "if I would have sprayed him, I would have contaminated myself and my partner."

After Suspect McKinnie was booked, Deputy Martinez contacted Detective [redacted] of the Washington's State Trooper's Office. He indicated Suspect McKinnie's vehicle was stolen and it's vehicle identification number had been switched. There was no follow-up investigation regarding why the vehicle was not entered into SVS as "stolen."

Suspect Lawrence N. McKinnie, DOB 08-26-1979

Suspect McKinnie was interviewed by Sergeant Scott Hill on April 1, 2008 at 1535 hours. The interview was digitally audio recorded. The interview took place at UCLA, Harbor General Hospital (UCLA HGH).



Suspect McKinnie stated he "borrowed" the Lincoln MKZ from "a guy" named [redacted] Saturday evening, March 28th, 2008. Suspect McKinnie stated [redacted]ived down the street from his [redacted] She lives at [redacted] Suspect McKinnie stated he was going to use the vehicle to visit his [redacted] He didn't know the vehicle was stolen.

Suspect McKinnie stated he was unaware deputies were following him. He stated he turned the corner and the vehicle "didn't straighten back up... [I] lost control." After the collision with the parked vehicle, Suspect McKinnie stated "I was just in shock." He maintained he was still unaware deputies were chasing him (now on foot). "I crossed over the street and was running to this house." Suspect McKinnie stated he was not injured as a result of the collision with the parked vehicle.

After running down the driveway, Suspect McKinnie stated one of the deputies ordered him to the ground, he complied and laid down. Suspect McKinnie stated he was immediately handcuffed. "I got down on my face... he put his knee on my back and started beating me, kneeing me, [on] my back [on] my face. Beating my head against the concrete and everything." Suspect McKinnie stated he was unable to identify which deputy did what. He stated he was kneed "at least four or five times." He stated the deputy also struck him with his fists. According to Suspect McKinnie, the deputy didn't use any type of blunt weapon, like a flashlight or baton during the fight. After beating him, Suspect McKinnie stated the deputy "pepper sprayed" him.

Suspect McKinnie stated the other deputy stated, "If he moves, we're just gonna shoot him."

After the altercation, Suspect McKinnie stated "They picked me up, took me to the police car in the front, [and] put me in the car."

Wendy Ziegler, M.D.

Dr. Ziegler was interviewed by Sergeant Scott Hill on April 1, 2008 at 1830 hours. The interview took place at UCLA, Harbor General Hospital (UCLA HGH). The interview was digitally audio recorded.

Dr. Ziegler stated she was not present when Suspect McKinnie arrived at the hospital. She stated she spoke to another trauma physician, Dr. Rodriguez, who was present when Suspect McKinnie was treated in the emergency room. Dr. Rodriguez told her "he could not decipher whether or not his facial fractures were due to a blunt head trauma, meaning like a punch versus a high speed [accident]. Apparently he was in a pretty high speed car accident and so with that it's very hard to differentiate the two."

Dr. Ziegler stated Suspect McKinnie was suffering from a right orbital fracture and a right medial wall fracture. She stated there was no orbital entrapment, meaning the eyeball was intact.

Dr. Ziegler stated she was unaware of any other injuries.

> **IAB Note:** Suspect McKinnie signed an Authorization to Release Medical Records Form (Exhibit "E"). When the form was presented to UCLA HGH representatives, they stated they could not locate any medical records for Suspect McKinnie, despite the fact Suspect McKinnie's patient identification number was provided to them.